

Date: June 22, 1999

Bill Number: House Bill 4240 (Enrolled)

Sponsor: Representative Clark Bisbee

Purpose: The bill calls for the adoption, publication, and distribution of a statewide policy for reporting student safety violations. The policy would identify the types of incidents that must be reported and the appropriate protocols to follow. Furthermore, a student in grade 6 or above who commits physical assault against another student shall be expelled for up to 180 days.

Major Provisions:

- ▶ Amends the *Revised School Code* by adding 1308, 1310 and 1310a.
- ▶ A model “Statewide School Safety Information Policy” shall be distributed to school districts, prosecutors and law enforcement that has been adopted by the Superintendent of Public Instruction, Attorney General and State Police (90) days after the bill takes effective. Schools and law enforcement shall comply within 180 days.
- ▶ Local law enforcement, the county prosecuting attorney, the local or intermediate school superintendents shall share information regarding incidents effecting school safety under the adopted school safety information policy.
- ▶ A school board shall report all expulsions and identify the types of incidents of crime at school in a report to the Department.
- ▶ A reporting protocol shall include an investigation of reported incidents and assistance in preventing these types of incidents. The types of

incidents reported shall take into account the intent of the offense and the circumstances surrounding the incident.

- ▶ Under the bill, a student who has been expelled for “physical assault” has been charged with “intentionally causing or attempting to cause physical harm to another through force or violence.”

- ▶ Reporting of information is subject to the provisions governing the “Family Educational Rights and Privacy Act.”

Arguments For:

- ▶ The bill requires law enforcement and educational agencies participation and involvement with procedures regarding criminal and delinquent incidents.
- ▶ A safe learning environment must be guaranteed for our school communities. A comprehensive state approach confronting student violence should deter future assaults.
- ▶ School officials should be made aware if a student is subject to a criminal or juvenile court action.
- ▶ Provides school officials with procedures to follow when criminal or delinquent incidents occur on school property, within 1,000 feet of the school property, or wherever staff or pupils are involved as a victim or alleged perpetrator.

Arguments Against:

- Reporting requirements regarding criminal incidents should only be done by law enforcement and the courts to ensure compliance.
- This legislation does not require the same reporting process and protocol for students attending nonpublic schools.
- The data required by this legislation may be used and exploited to compare one school district against another.

Suggested Amendments: None.

Fiscal Impact to State: Absolute cost unknown. An appropriation would be needed to carry out the duties required of the Department.

Fiscal Impact to Local Unit of Government: The bill may have some fiscal implication on school districts, law enforcement agencies and county prosecuting attorneys to develop protocols and reporting of crimes.

Administrative Rules Requirement: None.

Departments Impacted: Department of Education, Attorney General and State Police.

Background Information:

- Both state and federal laws create a zero tolerance policy against guns in schools. This legislation will provide statewide data on the number and types of crimes occurring in school buildings.
- The bill is tie-barred to SB 183, and SB 206.